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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,532	05/20/2002	Rolf Hartung	EF377398953US	4148
21003 7590 08/12/2008 BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112-4498				
EXAMINER KEENAN, JAMES W				
ART UNIT		PAPER NUMBER		
3652				
NOTIFICATION DATE		DELIVERY MODE		
08/12/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DL.NYDOCKET@BAKERBOTTS.COM

Office Action Summary

Application No.

10/030,532

Applicant(s)

HARTUNG, ROLF

Examiner

James Keenan

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 18, 21, 22, 25, 26, 28 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 18, 21, 22, 25, 26, 28 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 5/27/08 has been entered.

2. The amendment filed 12/21/05 remains objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the recitation that the cooling plate, heating plate, and loading station are disposed "about a linear axis (e.g., substantially parallel to the rails ...)", as set forth in par. 21. Regardless of whether or not drawings in patent applications are required to be proportional, as alleged by applicant, figure 1 as originally filed simply does not show sufficient detail such that one could conclude with any degree of certainty that the heating and cooling plates and the loading station are disposed about a linear axis parallel to the rails.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 17, 18, 21, 22, 25, 26, 28, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, line 10, the terminology "transverse" is vague in that it fails to specify relative to what the guide is transversely arranged. Note that merely adding the parenthetical reference numeral 11 to identify the guide in the drawings does not in any way further define or clarify the claim.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17, 18, 21, 22, 25, 26, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakehi (US 4,664,578) in view of Parodi et al (US 5651,823, previously cited).

Kakehi shows a wafer handling apparatus configured to place wafers from cassettes 40 disposed on a loading station 31 directly into a wafer processing vacuum chamber 10 having a wafer holding device 12, comprising "external" handling device 51 having a wafer holding section 50, the external handling device disposed outside of the vacuum processing chamber for transferring wafers between the cassettes and the processing chamber, and "internal" handling device 13 within the processing chamber,

the internal handling device inherently provided with a "transverse guide", as broadly and indefinitely claimed, and arranged in a mount on the guide to directly receive a wafer from the external handling device and to move wafers between the wafer holding device and back to the external handling device, wherein the cassette is disposed on the loading station outside of the processing chamber, and the chamber and the external handling device are surrounded by an enclosure.

Takehi does not show the vacuum processing chamber to include heating and cooling stations disposed one in front of the other. Takehi also does not show the internal handling device to move with two degrees of freedom. Finally, it is not clear if the external handling device includes grippers.

Takehi does, however, show the vacuum processing chamber to include a turntable 12 operating in conjunction with the internal handling device 13 such that the wafers move through the chamber in two degrees of freedom.

It therefore would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Takehi by substituting the separate movements of the wafer holding device and the internal handling device with a stationary holding device and an internal handling device movable with two degrees of freedom, as this would simply be an alternate equivalent means of moving wafers through the chamber in two degrees of freedom.

Further, Parodi shows, as noted in previous Office actions, a wafer handling apparatus including cassettes disposed on loading stations 19, 20 outside of processing chamber 17, heating and cooling stations 124, 126, 128 disposed "one in front of the

other" in the processing chamber, "external" handling device 13 having grippers 14, "internal" handling device 208 with transverse guide 324, and enclosure 11 surrounding the processing chamber and the external handling device.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have also modified the apparatus of Kakehi by providing the processing chamber with heating and cooling stations disposed one in front of the other and utilizing grippers on the external handling device, as shown by Parodi, as these would merely be art recognized design expediences in a similar wafer processing environment, the use of which in the apparatus of Kakehi would neither require undue experimentation nor produce unexpected results.

7. Applicant's arguments with respect to claims 17, 18, 21, 22, 25, 26, 28, and 31 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Keenan/
Primary Examiner
Art Unit 3652

jwk
8/6/08